

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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RITCHARD YANOWITZ, Civil Action No.: 15-cv-00807 (KBF)

Plaintiff,

-against-

DIVATEX HOME FASHION, INC.,

Defendant.

**NOTICE OF PLAINTIFF'S MOTION
TO DISMISS THE COUNTERCLAIMS
OF THE DEFENDANT OR, IN THE
ALTERNATIVE, FOR MORE
DEFINITE STATEMENT**

ORAL ARGUMENT REQUESTED

----- X
DIVATEX HOME FASHION, INC.,,

Counterclaim Plaintiff,

-against-

RITCHARD YANOWITZ and
BRANDON YANOWITZ,

Counterclaim Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Plaintiff's Motion to Dismiss the Counterclaims or, in the alternative, for More Definite Statement and all prior pleadings and proceedings herein, Plaintiff Ritchard Yanowitz ("Yanowitz") will move the Court before the Honorable Katherine B. Forrest, United States District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Counterclaims if Defendant or, in the alternative, for an order pursuant to Rule 12(e) of the Federal Rules of Civil Procedure requiring Defendant Dixatex Home Fashion, Inc. to provide

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a more definite statement of its Counterclaim, and granting such further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

May 6, 2015
New York, New York

Respectfully submitted,

/s/ Bruce D. Meller

Bruce D. Meller, Esq.

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CERTIFICATE OF SERVICE

I certify that on May 6, 2015, I caused the foregoing Notice of Plaintiff, Ritchard Yanowitz's Motion to Dismiss the Counterclaims of the Defendant or, in the alternative, for a More Definite Statement dated May 6, 2015, to be served by ECF and electronic mail upon the following counsel for Defendant:

Anne C. Patin, Esq.
Michael B. Weitman, Esq.
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May 6, 2015
New York, New York

/s/ Bruce D. Meller

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